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SUBJECT: KOSOVO'S RETURN TO UNSC FINDS RUSSIA STILL
UNCOOPERATIVE

¶1. (SBU) Summary: In UNSC consultations on December 13, Russia raised its recently circulated elements for a PRST on Kosovo. Ambassadors Khalilzad and Sawers voiced disagreement with the premise of the elements that there is scope for a mutually acceptable solution. They said there can be no PRST under the current circumstances. France, Belgium and Slovakia also spoke against a PRST. In afternoon consultations, the Council discussed Prime Minister Kostunica and President Sejdiu's request to participate in the December 19 UNSC meeting on the Troika's report. The UK, Belgium, Panama, Slovakia, the US, Peru, France and Ghana spoke in favor of Sejdiu's participation. Russia, China and Indonesia supported a formula that would allow Sejdiu to participate only in a non-official Arria meeting. In order to preempt a vote on the matter, Russian PR Churkin proposed a compromise that would allow Serb and Kosovar representatives to address the Council but in a closed meeting. Russia raised familiar arguments about Abkhaz participation in UNSC meetings. End Summary.

CONSULTATIONS ON RUSSIAN PRST ELEMENTS

¶2. (SBU) In Security Council consultations on December 19, Russian Permrep Vitaly Churkin raised Russia's recently circulated "Key Elements for a Security Council PRST on Kosovo." (Note: These were e-mailed to Department.) He stated the elements make "an objective statement on the Troika process" and "encourage the parties to continue to try to find a mutually acceptable solution." Churkin claimed "there can be no regional stability unless an agreed solution is reached." "A solution could hardly be expected in 120 days," argued Churkin, "but, the Troika talks have shown the depth of the position of at least one of the parties" and "the analysis of any pragmatic expert would conclude the Troika's progress could be the basis for a solution." Churkin asked the Secretariat to officially distribute Russia's elements. He noted positive comments on Russia's elements from some Council members and said he hoped informal negotiations could begin.

¶3. (SBU) UK Permrep Sawers recalled EU Troika Envoy Ischinger's letter to Solana that the potential for a negotiated solution is exhausted. Explaining that the U.S. and other EU countries on the Council agreed, Sawers challenged the premise of Russia's elements that there is scope for a mutually-acceptable solution. He underscored there is "a clear way forward on the table" and if Russia can agree to it, we can move forward in the Council, but otherwise "the EU and others will take up their responsibilities in relation to Kosovo and the region."

¶4. (SBU) Ambassador Khalilzad said that there is no common

basis for a way forward because we disagree there is scope for continuing negotiations. He said Kosovo's status is not an area where we can paper over differences, rather we need clarity. Khalilzad continued that much is at stake and the US and European countries have responsibilities and troops on the ground; because of our fundamental differences we believe there is no basis for Russia's PRST.

15. (SBU) French DPR Lacroix concurred that there is no space for negotiations and the status quo in Kosovo has gone on too long. Belgian Permrep Verbeke said the Troika process was thorough, but did not bring the parties' fundamental positions "an inch closer" and added that Russia's elements go fundamentally against Belgium's conclusions.

16. (SBU) China's PolCoordinator responded that the Council should show patience because negotiations are preferable to confrontation, and thus there is a basis for a PRST.

17. (SBU) Churkin rebutted references to Ischinger's letter, saying it contained personal views not in the Troika's report. The Troika's report says "a range of options" was explored, not "all options," said Churkin. Russia's position that there should be a negotiated solution is "in line with UNSCR 1244 and a body of international law respecting sovereignty and territorial integrity" and stands unchanged. Churkin argued that Belgrade narrowed the gap during Troika negotiations by offering to allow Kosovo to work with international financial bodies, send its own sports teams to international competitions and control "anything except foreign policy and borders."

18. (SBU) Responding to Churkin, Ambassador Khalilzad said the distance between the parties' positions on the fundamental

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issues is as wide as ever and short of a fundamental change in Russia's position we consider the PRST dead. Slovakia stated that more talks between Belgrade and Pristina would be useful, but only after status was determined to build a neighborly relationship.

CONSULTATIONS ON FORMAT OF DECEMBER 19 UNSC MEETING

19. (SBU) The Council discussed in afternoon consultations the issue of active requests by Prime Minister Kostunica of Serbia and President Sejdiu of Kosovo to participate in the December 19 session. Churkin spoke in favor of the format used for the April 3 meeting that included the following mix of meetings: 1) consultations 2) a private meeting where SE Ahtisaari, Kostunica and SRSG Rucker (reading a statement by Sejdiu) spoke 3) an Arria meeting with Sejdiu 4) consultations with Ahtisaari. China and Indonesia spoke in favor of this previous format. The UK, Belgium, Panama, Slovakia, the US, Peru, France and Ghana supported allowing Sejdiu's participation. Many made the argument that employing rule 39 avoids any prejudice on the question of status.

COUNCIL AGREES ON PRIVATE MEETING FOR KOSTUNICA AND SEJDIU

10. (SBU) In consultations the morning of December 14, Churkin proposed a compromise December 19 private meeting in which Kostunica could participate under rule 37 and Sejdiu under rule 39. He added that the Council should be consistent in allowing parties to international conflicts participation in meetings. All members agreed to the formula, but China and Indonesia underscored that the door should not be open to allow anyone to address the Council, only parties to conflicts on the Council's agenda. Ambassador Wolff and the UK's Sawers spoke in favor of the Council continuing to decide meeting participation on a case-by-case basis. Churkin stated he expects an Abkhaz representative will be issued a visa in April to participate

in the next Council meeting on Georgia.

COMMENT

¶11. (SBU) Ambassador Churkin obviously took the initiative of proposing the above compromise because he saw Russia would lose if it continued to block Sejdiu's participation. However, there was clearly strong support around the table for allowing an Abkhaz representative to be heard by the Council.
Khalilzad